

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

THE ESCAPE ROOM LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:22-cv-00122
)	
SMALL BUSINESS ADMINISTRATION)	
and ISABELLA CASILLAS GUZMAN,)	
Administrator, Small Business Administrator,)	
)	
Defendants.)	

MOTION SHOWING CAUSE

Plaintiff, The Escape Room LLC, by counsel, submits this Motion Showing Cause pursuant to this Court's Order to Show Cause, and states the following in support:

1. On January 14, 2022, Plaintiff filed its Complaint for Declaratory And Injunctive Relief ("Complaint") seeking emergency federal financial assistance unlawfully withheld by Defendant Small Business Administration ("Defendant SBA") and its Administrator, Isabella Casillas Guzman ("Defendant Guzman").
2. On August 4, 2022, the Court filed an Order to Show Cause requesting Escape Room show why the Court should not dismiss this action without prejudice for failure to prosecute.
3. Because neither Defendant SBA or Defendant Guzman has served an answer or otherwise appeared in this action, Escape Room filed a Motion for Default Judgment on August 26, 2022.

4. Because Escape Room has proceeded to prosecute its case by filing a Motion for Default Judgment, this Court should not dismiss this action without prejudice for failure to prosecute.

5. Escape Room proposes that this Court decide the merits of the Motion for Default Judgment, but proposes the following schedule to be followed if this Court denies the Motion for Default Judgment:

- a. Defendants shall file a response to the Complaint within twenty-one (21) days after the Court's Order Denying Motion for Default Judgment.
- b. Defendants shall produce a copy of the certified administrative record to Escape Room within thirty (30) days after both Defendants have filed their response to the Complaint.
- c. Escape Room shall file a motion for summary judgment within forty-five (45) days after receiving a copy of the certified administrative record.
- d. Defendants shall file a combined opposition and cross motion for summary judgment within thirty (30) days of Escape Room's deadline for filing its motion for summary judgment.
- e. Escape Room shall file a reply in support of its motion for summary judgment within fourteen (14) days of Defendant's deadline to file a combined opposition and cross motion for summary judgment.

- f. Defendants shall file a reply in support of their cross motion for summary judgment within fourteen (14) days of Escape Room's deadline to file reply in support of its motion for summary judgment.

WHEREFORE, Plaintiff requests this Court not dismiss this action without prejudice for failure to prosecute.

Respectfully Submitted:

HEWITT LAW & MEDIATION, LLC

/s/ Michele L. Lorbieski

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CERTIFICATE OF SERVICE

Undersigned counsel certifies that, on August 26, 2022, the foregoing was e-filed using the Court's CM/ECF system and has been served contemporaneously on the following through e-service using the CM/ECF:

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/s/Michele L. Lorbieski
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